

Direct Primaries



LEGISLATIVE REFERENCE BUREAU
MONTPELIER, VT.

1914



Vermont. State Library, Legislative Reference Bureau dept.

Direct Primaries



3
3 3 3
3 3
3 3 3

LEGISLATIVE REFERENCE BUREAU
MONTPELIER, VT.

1914

JK2074
.V5

At the annual March election of 1914 the following questions will be submitted to a vote of the qualified electors of the state:

“Do you favor a preferential primary system whereby the voters may instruct their delegates to political conventions as to their preference for candidates for office?”

“Do you favor a direct primary law whereby the voters are to vote directly for the candidates rather than the present system of nominating candidates for state, congressional and county officers?”

In view of this fact and because of the general interest in the subject throughout the state this bulletin has been prepared for the purpose of making available to the general public the information contained in the files of the Legislative Reference Bureau. The bureau maintains an absolutely impartial attitude on this as on all other public questions and any statements appearing in this pamphlet must not be taken as expressing the opinion of any members of the bureau force.

JOHN M. AVERY,

Legislative Reference Librarian.

January, 1914.

Transferred from
Librarian's Office
JUN 17 1914

DIRECT PRIMARIES.

Definition.

The direct primary is a system of nominating candidates for public office designed to substitute the choice of the candidates of the several parties directly by the people at an election held under state laws similar to those governing general elections for the present method of choice by a convention composed of delegates elected at caucuses. It does away with the convention as far as the choice of candidates is concerned though in some states the convention is retained for the purpose of framing the platform.

Procedure.

Under the primary system the aspirant for office secures, a certain number of days before the primary, either personally or through agents, a number of signatures to a petition asking that his name be placed on the primary ballot as a candidate for the nomination of the party of which he is a member. If he secures the number that is required, usually a percentage of the votes cast for the candidate of his party for the same office, at the last election his name, together with the names of all others who have similarly complied with the requirements, is placed on the primary ballot. Some states require the payment of a fee when the petition is filed, varying in amount with the office for which the person is a candidate.

The primaries are held a fixed number of days before the general election, the primaries of all parties being held at the same time and place. If the system in force in the state is the open primary the voter receives the ballot of all parties represented at the election, voting any one he may desire and depositing the others in the blank ballot box. If the closed primary is the one in use the voter receives the ballot only of that party with which he is affiliated. The candidate who receives the largest vote is declared the nominee of the party. However, this is not the case in some states when there are more than two candidates for a nomination, there being a provision for second choice voting. In this case each voter votes not only his first but his second choice and in case no candidate receives a majority or a large percentage of first choice votes the second choice votes are counted and the candidate receiving the largest number of first and second choice votes combined is declared the nominee.

Preferential Primaries.

The preferential primary as stated in the referendum is a method by which delegates are chosen by the people at primaries and instructed at the primaries as to whom that should vote for at the convention which nominates candidates. It is, in brief, an instructed delegate plan regulated by state law.

Primaries in Other States.

The direct primary is at present in force in some form or other in about forty states. In some states all officers are included whether congressional, state, or local, while in others a part only are included. In the accompanying digest only those states are shown where the primary is mandatory, regulated by the state, and includes the principal state officers. In certain of the southern states there have been held for many years direct primaries under party rules, though in some cases this primary has been later legalized.

In the accompanying table the presidential preference primaries are not included nor are primaries for United States Senators in all cases. Usually

party committeemen and sometimes delegates to party conventions are elected at the primaries.

Arguments.

There has been much discussion of the direct primary and many arguments have been advanced pro and con. The following have been compiled from various sources and are here arranged in opposing columns. This method of arrangement does not result in a continuous logical development of the argument on either side of the question, the aim having been rather to make a compilation of all or nearly all of the arguments then to make a consistent presentation of either side of the case. The preferential primary is not treated in these arguments because the results of experience under such a system are not available from which conclusions might properly be drawn. However many of the arguments given below regarding the direct primary might be applied one way or the other to preferential primaries.

For Convention

If it was thought that the convention did not represent the will of the people a very simple remedy is at hand. Unless a candidate receive a two-thirds vote at the convention a primary could be held. Thus the primary could be used as a safety valve, as a guarantee to the people that their wishes would not be disregarded.

The argument for direct primaries is based upon the assumption that the voter is either corrupt or ignorant; corrupt in that he has used his vote in violation of his duty or ignorant in that he has unknowingly let himself be used by unscrupulous politicians. If this be the case it is a condition which a mere change in nominating machinery will not remedy.

As the number of voters who participate in the caucus under the convention system is not a matter of record no accurate comparison can be made. But it is a matter of fact that at the last general election in the states of Maine, New Hampshire, Wisconsin, Kansas, and Oregon, typical primary states, the total vote for governor at the primary was 573,254 while the vote at the general election for governor was 1,020,533.

The convention is in harmony with the representative system of government. If you abandon it in favor of the primary you are but taking the first step toward the pure democratic form of government, a form which history proves absolutely unworkable for any but the smallest political units.

The curse of the evils of bossism is not in the machinery of politics. It is chiefly in the frequency of elections and the enor-

For Primary.

The convention has always been a tool easily handled by a clever boss. By trading off minor places and by sharp practices the boss has brought the convention into disrepute as an instrument fitted to express the people's will. Even when honestly and fairly conducted, a convention gives an undue advantage to aggressive, unscrupulous men, which they would not have in a direct primary.

Direct primaries are based upon the assumption that the rank and file of the voters are honest and intelligent, and that they should each and all be allowed to express their views on all candidacies at their usual voting place instead of delegating that duty to a few delegates who, away from home and under pressure, may be led into mistakes, or worse.

It is a matter of common knowledge that only a small per cent of the voters participate in the caucus but there is a large vote at the primaries because the voters know that their vote amounts to something therefore they come out to the primary. By bringing all the candidacies before the voters at one time, state, congressional and county, the interest and vote will be larger and more representative than by handling them in sections as at present.

In this nation and in this state, the will of the people is and should be the supreme law; and that that will may be made effective you need public officers who owe their nomination as well as their election directly to the vote of the people.

We are using 19th century machinery to nominate officers under 20th century conditions. The methods of politics no less

State Date.	Offices Covered	Parties Covered	Method of Voting	Party Conventions
Ariz. Chap. 84 1912	All elective senatorial, congressional, state, county, and precinct offices. (1)	A party casting 5% of total vote of state at last election a political party under the act. A new party qualifies on petition of voters equal to 2% of votes cast for governor at last election in at least each of 5 counties of the state. (7)	Voter shall receive only the ballot of party for which he asks. If challenged as to membership therein he must make oath declaring affiliation therewith. (8a-4, 8b)	Provides for a party council of nominees and committeemen who shall frame platform. (32-8)
Cal. Acts of 1913 Ch. 699	All elective public officers except certain local offices.	Any party which at last preceding election cast 3% of entire vote of state for any of its candidates. Any party which shall at least 50 days before any primary election register at least 3% of total number of electors registered at last election. Any group of registered qualified electors numbering 3% of total registered vote at last Nov. election who shall file a petition with the Sec. of State declaring that they represent a political party. (1-9)	Voter receives ballot of party with which he is registered as affiliated. (17)	Convention of nominees and delegates provided for, which may promulgate platform and nominate presidential electors, and elect state committee. (24)
Colo. Ch. 4, 1910	U. S. Senators, congressmen, all elective, state district, city, county, ward, precinct officers. (1)	A party polling 10% of the total vote cast at last preceding general election. (2)	Voter receives ballots of all parties but votes only the one he desires, depositing others in blank ballot box. If challenged, voter makes oath declaring that he is affiliated with one of the parties represented by ballot at the election. (11)	A convention composed of candidates, state chairmen, and hold-over senators frames platform. (22)
Idaho p. 196, Laws, 1909, amended ch. 178-'11 ch. 85-'13	All elective, state district, and county officers. (1)	A party which cast at last election 10% of total vote and which had at least three nominees for state offices. (2)	Voter receives ballot only of party for which he asks. If challenged as to membership therein he must make oath as to his affiliation therewith. (15)	Convention composed of delegates chosen by party committees who in turn are chosen by nominees shall frame platform. (29)
Ill. Act of 1910 as amended by 1913 Act	All elective officers, except certain school and township officers. (1)	A political party which at last general election next preceding a primary polled more than 2% of entire vote cast in the state. (2)	Voter receives only the ballot of the party with which he declares he is affiliated. (43, 44)	County convention is meeting of county committee which chooses delegates to congressional and state conventions which latter nominates presidential electors and adopts party platforms. (10)
Iowa 32 G. A. ch. 51 amended 33 G. A. ch. 69	U. S. Senators, congressmen, electors, all elected officers except supreme, district, and superior judges. (1087-al)	A party which at last election cast for its candidates for governor at least 2% of the total vote. (1087-3a)	Voter receives ballot of party with which he has registered as affiliated but may change his affiliation by making oath thereto. (1087a6, 1087a9)	A state convention composed of delegates elected by a county convention the members of which are in turn elected by the voters at the primary shall frame the platform. (1087a25, a27)
Kans. G. S. 1909 Sec. 3289-3311 as amended by 1911, 1913	All elective officers except at special elections and at certain local elections. (3290)	Any political organization filing nomination papers for a majority of state and county offices as provided in the act. Act requires a petition for different offices to be signed by varying percentages of total number of voters. (3293)	Voter receives the ballot of party for which he desires to vote. If challenged as to his affiliation therewith he must make oath thereto. (3300, 3302)	Platform framed by a party council composed of candidates nominated at primaries, hold-over senators of the party, and chairmen of the county committees elected at the primaries. (3307)
Ky. Act of 1912, Ch. 7	All elective officers except certain local and school district officers, and presidential electors.	An affiliation or organization of electors representing a political policy and having a constituted authority for its gov't and regulation and which at last preceding election at which presidential electors were voted for cast 20% of total vote. (5)	Voter receives ballot only of party with which he is enrolled. (27)	No provision for convention.
Me. Laws of 1913 Chap. 221	All state and county offices, U. S. senators, members of congress. (1)	Such parties as at last preceding election polled at least 1% of entire vote in the state cast for governor. (1)	Voter receives ballot only of party with which he is registered as affiliated. (13)	State convention held under rules prescribed by state committee of party frames platform. (2)
Mass. Acts of 1911 Ch. 550	All offices to be filled at a state election except presidential electors. (1)	Party which cast at least 3% of votes for its candidate for governor at last election. (ch. 398-1912)	Voter receives the ballot only of party with which he is enrolled. (14)	Convention composed of candidates nominated and delegates elected at primaries together with U. S. senators who are members of the party frames the platform. (18)
Mich. Laws of 1909 Ch. 281 amended 279-'11 118-'13	Governor, lieutenant-governor, U. S. senators, congressmen, members of the legislature, county officers, certain city and local officers. (16)	Parties represented on ballot at last election. To place a new party on primary ballot requires petition signed by 3,000 voters. (25, 28)	Voter receives ballot containing tickets of all parties represented and votes the one he desires. (35)	State convention composed of delegates elected at county convention the members of which are elected at primaries frame platform and nominate state officers not nominated at primary. (43)
Minn. R. L. '13 sec. 335 et seq.	All elective officers except certain local officers.	A party which shall have maintained an organization and presented candidates at last election one or more of whom shall have been voted for in each county and shall have received at least 5% of total vote in the state, or an organization whose members to a number equal to 5% of total votes cast at last election in the county petition for a place on the ballot. (336)	Voter receives the ballot of party for which he asks but when challenged he must declare that he has voted at last election and intends to vote at the next for the nominees of the party for whose ballot he asks. (347)	Conventions may be held composed of delegates elected at primaries. (362)
Mo. Laws, 1909, p. 481	All elective officers except certain school and local officers. (1)		Voter receives ballot only of party with which he is affiliated. (15)	A party convention composed of nominees and state committeemen elected at primary shall frame platform. (26)
Mont. 1912 Initiated and passed by people	U. S. senators and all other elective state, district, and county officers. (2)	Parties represented on the ballot at last preceding general election. Any number of votes not thus represented equal to the number required of the party requiring the least number of signatures to the petition is a party for purposes of this act. (4)	Voter receives a ballot containing tickets of all parties and detaches and votes the ticket he desires placing the others in the blank ballot box. (20)	Not provided for.
Nebr. Comp. Statutes 1911 Ch. 26, Sec. 117 et seq.	All elective officers except certain local and county officers. (117b)	Party which polled 1% of entire vote in state, county, or subdivision entitled to a place on ballot of candidate for office in such political division. New party may have placed on primary ballot if a specified number of voters so petition. (118r, s)	Voter receives ballot only of party for which he asks. If challenged he must make oath regarding his party affiliation. (117t)	State convention composed of delegates elected at county convention frames platform. (118j)
Nev. Laws, 1913 Ch. 284 Ch. 3	All elective public officers except certain local officers and presidential electors. (2)		Voter receives ballot of party with which he is registered. (18)	Convention composed of candidates nominated at primaries frames the party platform. (26)
N. H. 1909 Ch. 153	All elective officers except certain local officers. (3)	Any political organization which at preceding election polled at least 3% of the entire vote of the state for governor. (1)	Voter receives the ballot only of party with which he is registered. May register at the primary. (9)	Convention composed of party nominees and delegates elected at primary frames platform. (19)
N. J. Election Laws, 1913	The principal elective officers. (396)	A party which in last election of number of general assembly cast 5% of the total vote for its candidates in the district in which nominations are made. (258-1)	Voter receives ballot only of party with which he is affiliated and whose ticket he voted at last primary election. (391)	Convention composed of delegates chosen at primaries frames platform. (271)
At the date of this compilation the N. Y. Statute of 1913 was not available				
N. D. Laws of 1909 Ch. 109 as amended	Congressmen, state and county officers. (2)	Party casting 5% of votes for governor at last general election. (10)	Voter receives ballot of party with which he is affiliated. (10)	Platform framed by state central committee members of which are elected by county committees. (40)
Ohio Laws, Sec. 4949 et seq.	All elective officers except certain local officers. (4949, 4951)	Parties which at last election polled 10% of entire vote cast for governor. (4949)	Voter receives ballot only of party with which he is affiliated.	Convention composed of delegates elected at primaries frames platform in years when there is a presidential election. (4253) Other years the platform is framed by a convention composed of the party nominees and members of the party committees. (4991)
Ore. Lord Ore. Laws, Sec. 3349 et seq.	All elective officers. (3350)	A party which at last election polled 25% of total votes cast for its candidates for congressmen. (3359)	Voter receives ballot of party with which he is registered. (3386)	Publicity pamphlet compiled by party committees and published by state.
Okla. Laws, 1909	All elective officers. (4-1)		Voter to vote the ballot of only one party. (4-5)	
Pa. Laws of 1913 Ch. 400	U. S. senators, congressmen, elective state, county, city, ward etc., officers. (1)	A party, one of whose candidates polled in each of at least 10 counties not less than 2% of the largest vote cast for any elected candidate and polled a total in the state of at least 2% of the largest vote cast for any elected candidate. (2)	Voter receives ballot of party for which he asks. If challenged he must make oath that at last election he supported the majority of candidates of party for whose ballot he asks. (12)	
S. D. Laws of 1911, Ch. 201.	All elective congressional, state, county, legislative and district officers and U. S. senators.	Party that has maintained a state organization and has had candidates on official ballot at last election or which shall at any general election hereafter poll 10% of the total vote for governor for an independent candidate. (1)	Voter receives the ballot of party of which he is a member. If challenged he must make oath as to party affiliation. (85, 88)	Conventions abolished but state publicity pamphlet provided for. (104, 136)
Wash. Rem.—Bal. Code, Sec. 4804 et seq.	All elective officers except certain local officers. (4805)	Any party represented on ballot at last election if any of its candidates received 10% of total votes cast. (4807)	Voter receives ballot of party for which he asks but if challenged he must make oath as to his party affiliation. (4815)	Party organization may have conventions but not to nominate candidates for offices which are voted upon at primaries. (4826)
Wis. Statutes 11-1 et seq.	All elective officers except certain judicial, school, and local officers. (11-2)	Any party any of whose candidates received 1% of total vote cast at last election. (11-5)	Voter receives ballot containing all tickets represented, votes the one he desires and deposits others in blank ballot box. (11-12)	Candidates nominated at primaries and hold-over senators meet in convention and frame platform. (11-22)
Wyo. Laws of 1911 Ch. 23	All officers elected by direct vote at general election, U. S. senators, and congressmen. (1)	A party which at last election cast for its candidate for congressmen 10% of the total vote cast for office. (44)	Voter receives ballot of party with which he is affiliated. (23)	Convention made up of delegates chosen by county committees frames platform. (40)

For Convention.

There has been a strong tendency in states having the direct primary for the party managers to submit a complete slate at the primary and through the influence of their organization to nominate it in its entirety. This practice, common in certain states makes the nomination of a candidate objectionable to the party organization a practical impossibility as he would have to build up an organization in every district throughout the state to stand a chance against the firmly entrenched party machine.

The following important elements of party success can be considered in making a well balanced ticket at a convention but not at a direct primary; geographical distribution of the candidates; their nationality; their social standing; the class represented; the commercial, industrial and agricultural interests, etc., that they stand for; the shades of political idea entertained.

The delegates to the convention being the prominent citizens of the community are likely to have been members of the legislature and thus to have become acquainted with the candidates for the minor offices who in reality conduct most of the business of the state and regarding whom the ordinary voter would have no knowledge.

The process of deliberation and debate in a convention secures an attention to all the circumstances that a primary cannot obtain. Under a primary system Seward, not Lincoln, would have been nominated in 1860. Lincoln is a typical product of the convention system.

The well-known man regardless of what he is noted for has an advantage in the race for the nomination over one better qualified but less generally known. It is notoriety and not worth that counts under the direct primary.

The people are compelled to depend almost entirely on what the newspapers say about the candidates while under the convention system the peoples' representatives at the convention meet the candidates and can form their own judgments of them.

Willingness on the part of adequate men to serve the public in office is rare enough at best, and willingness on the part of adequate men to undergo one protracted and necessarily expensive campaign of personalities for the right to undergo another protracted and expensive campaign for the right to serve the public in office is more than

For Primary.

* Granted that the party managers do submit a complete slate; under the primary system the people have the chance to reject it, while under the convention they do not.

* The one test we should apply to candidates for office is, can he do the work required honestly and efficiently? Whether he lives in one end of the state or the other is not a common sense, business like requirement. What the state needs is genuine service, not a lesson in geography, social standing or commercial interests.

In Vermont the minor officers are town, village and city officials, and in these cases we have a fairly good primary system now. In this state the direct primary should apply to state, congressional and county officials only, and every voter should have the right to pass on every one of these nominations.

* The talk of the "calm and deliberate judgment" of the convention is pure farce. What more disorderly, more turbulent, and generally uproarious assembly can one imagine than the average political convention?

* To say that the people of Vermont would elect a man merely because he had some notoriety strongly questions their good sense, to say the least. And it is a fact that the men who are well known are those who in turn know the state well, its conditions and needs.

* The newspapers are one of the greatest powers in modern life and they will exercise their power regardless of what nominating system we have.

* It can be well argued that unless a man has interest enough in a governmental office to work to get it, he isn't the man we want for that office. We want men in office who are interested in their work. There is no difference between the two systems in the length of campaign or in the expense. There was probably never a primary campaign in

For Convention.

can be expected normally except from those at once very rich and very patriotic.

The primary makes possible the choice of a candidate by a small faction of the party decidedly in the minority. If there are six candidates and the vote is somewhat evenly divided it is possible that the highest candidate may receive not more than 17% of the total vote cast. There is not sufficient guarantee that the successful candidate really commands sufficient general support in the party to warrant his choice as a representative. Any second choice system is too complicated to receive the consideration of practical men.

The direct primary increases the power of the large towns at the expense of the small towns. At a nomination by direct vote of the people the vote for Chittenden County would be practically dominated by Burlington and Winooski and Washington County by Barre and Montpelier and a similar domination by the large towns would be the result throughout the state. The vote in Essex county would be more than balanced by the vote of either Bennington, Brattleboro, or St. Johnsbury.

No plan is honest that permits a Democrat to participate in a Republican caucus, whose nominee he has no intention of supporting, or the reverse. And if you do not have such a plan you must have one whereby the voter declares in advance his political allegiance, and having done this he has lost his independence as a voter.

The direct primary, through doing away with the party convention and all the enthusiasm and sentiment created thereby, lessens party responsibility and interest and the loss of the efficiency of the party as an organization logically results.

The primary calls for another complete election and preliminary election campaign with all the waste of time and money and political turmoil entailed thereby.

There are so many candidates at the primary that the voter cannot vote intelligently on any but the most important officers.

It is a fact that in nearly every state

For Primary.

the country so expensive in proportion to the area and population of the state as was the convention campaign of Vermont in 1902.

Under the convention system it often happens that candidates are nominated who receive no votes whatever in the caucuses, but are put in through manipulation and trading, regardless of any expression at all on the part of the voters. The primary system gives the majority a much better chance of forcing their will than any other system ever introduced.

The direct primary does not weaken the power of the small town. It strengthens the power of the individual voter, and aids the rank and file both in the small towns and in the large ones. The only power weakened is that of the bosses, the political worker, and the selfish interest. Under the present convention system a small town sends one, two or three delegates to a convention, held in a city or large town. On these delegates is massed all the pressure that the big town, the big interests and the big politicians can produce. Under a direct primary the voters go to their regular polling place and vote their preference without outside pressure, and manipulation.

Our political life is largely dominated by parties and so a man must as a practical means of making his will felt, ally himself with one party or another. Any man who refuses such a simple requirement as that should not complain if he is no better off under the present nominating system.

The argument that the primary destroys the party power is based on theory and not on experience. For it is a fact that in the states where direct primaries are in force parties are as strongly entrenched as ever.

The primary system substitutes for the elaborate system of unregulated caucuses and conventions a simple method of nominating all officers at one election.

Primaries enlarge the field of public service by increasing the range of men who can have hope of getting into office. And it is not a fact that the voters of Vermont are so unintelligent as to be unable to choose their officers.

Direct primaries have called for no more

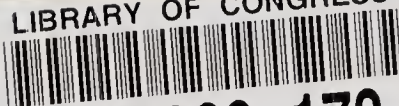
For Convention.

where direct primaries are in force there have been constant and continual demands for supplementary legislation to make primaries efficient. As one writer has expressed it "it is like using drugs, the more they use the drugs the worse off they are".

For Primary.

supplementary legislation than have caucus and convention systems. The only difference is, that as the primary system is newer, supplementary legislation is more recent and therefore more prominent in the public mind. Then too, we must remember that the direct primary laws in some states were prepared by those who opposed them, driven to it by public pressure. There is no serious trouble in states like Oregon, Washington, Wisconsin and others where the primary laws have been written by friends of the system and not mutilated by enemies in the course of enactment.

LIBRARY OF CONGRESS



0 033 239 173 2